

FILED
3/2/04
CLERK
US DISTRICT COURT, EDNC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:04-ct-144-FL
(Leave this space blank)

Mr. Lacy Williams, Jr.

(Enter full name of each plaintiff(s))

Inmate Number 0442843

v.
N.C.D.O.C.
Mr. Marvin Polk (Warden); Mr. Boyd Bennett (Director of Prisons);
Ms. Cathy Judge (Cust Manager); Jennie Lancaster (Regional Director)
Mr. Marshall Dike (Classification Manager); Mr. Bailey Langdon (AWP); etc.
(Enter full name of each defendant(s))

I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? Yes () No (✓)

If your answer is Yes, describe the former lawsuit in the space provided below:

II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? Yes (✓) No ()

If your answer is Yes, what steps did you take? I filed a DC-410(8/89) and

I appealed all the way to step three. I sent complaints to some of
the defendants and some of them responded, while others ignored it.

My case was not properly documented. Filed 2/3/04 by Patricia D. Nichols
(continued)

What was the result? (Attach copies of grievances or other supporting documentation.)

All three steps denied my remedy. (Copy of grievance was destroyed)

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement. (Choose the box that applies to your action.)

___ There are no grievance procedures at the correctional facility at which I am being confined.

___ This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

✓ I have exhausted my administrative remedies relating to this complaint and have attached copies of my grievances demonstrating completions.

III. PARTIES — In Item A below, place your name in the first blank and your present address in the second blank. Do the same for all additional plaintiffs. NOTE: ALL plaintiffs listed in the caption on the first page should be listed in this section.

A. Name of plaintiff ~~XXXXXXXXXX~~ (LW)

Name and address of present confinement facility _____

Name of plaintiff Mr. Lacy Williams, Jr.

Name and address of present confinement facility 1300 Western Blvd.; Raleigh,
North Carolina. Central Prison

In Item B below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C through F for any additional defendants. NOTE: ALL defendants listed in the caption on the first page should be listed in this section.

- B. Defendant Mr. Mantel L. Polk
Position Warden
Employed at Central Prison
Address 1300 Western Boulevard; Raleigh, NC 27606-2148
Capacity in which defendant is being sued: Individual () Official () Both (☒)
- C. Defendant Mr. Boyd Bennett
Position Director of Prisons
Employed at North Carolina Department of Corrections
Address 831 W. Morgan Street; Raleigh, NC 27611
Capacity in which defendant is being sued: Individual () Official () Both (☒)
- D. Defendant Ms. Jennifer L. Lancaster
Position Regional Director
Employed at North Carolina Department of Corrections
Address 831 W. Morgan Street; Raleigh, NC 27606
Capacity in which defendant is being sued: Individual () Official () Both (☒)
- E. Defendant Mr. Marshall R. Pike
Position Classification Manager
Employed at Central Prison
Address 1300 Western Blvd.; Raleigh, NC 27606
Capacity in which defendant is being sued: Individual () Official () Both (☒)

(continued)

II. From a second search that I consider illegal! All three steps didn't resolve my remedy.

(see attached)

G. Defendant Benny Langdon

Position AWP

Employed at Central Prison

Address 1300 Western Blvd; Raleigh, NC 27606

Capacity in which defendant is being Sued: Individual ☐ Official ☐ Both ☒

H. Defendant John Maness

Position Programs Manager

Employed at Department of Corrections

Address 831 W. Morgan Street; Raleigh, NC 27611

Capacity in which defendant is being Sued: Individual ☐ Official ☐ Both ☒

I. Defendant G.J. Braucher

Position Deputy Warden

Employed at Central Prison

Address 1300 Western Blvd; Raleigh, NC 27606

Capacity in which defendant is being sued: Individual ☐ Official ☐ Both ☒

F. Defendant Ms. Cathy Judge
Position Cost Manager
Employed at Central Prison
Address 1500 Western Blvd.; Raleigh, NC 27606
Capacity in which defendant is being sued: Individual () Official () Both (✓)
(see attached)

IV. **STATEMENT OF CLAIM** — State here as briefly as possible the **FACTS** of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as needed. Attach extra sheets if necessary.

I was released from N.C. D.O.C in August 1998. I got incarcerated in August 2000, 2 yrs. later. When I left in 8/1998, I was on Maximum Control (MCCL). In 8/2000, they placed me back on MCCL. I got released in March 2002 from MCCL to society. However, 8 months later, in November 2002, I was incarcerated again and was automatically placed BACK at MCCL. (Both times I completed both sentences. This current sentence is still active!) In Nov. 2002, I ~~was~~ (LW) met the classification committee and was told due to my past history, and being that I left prison from MCCL, I had to remain at MCCL. After going infraction-free for 18 months (from Jan. 2002 - July 2003), I still was denied a promotion! Again, it was because of my past history. At the time, Ms. Cathy Judge was my cost manager, and even though I was infraction-free for 18 months, she still recommended six more months MCCL. I wrote Ms. Judith L. Lancaster in August 2003 and a Mr. John Marless responded back in Ms. Lancaster's behalf. He told me that my letter had been forwarded to the Prisoner's Review Board for "investigation and appropriate handling." (continued) (see attached)

(Continued) (SEE ATTACHED)

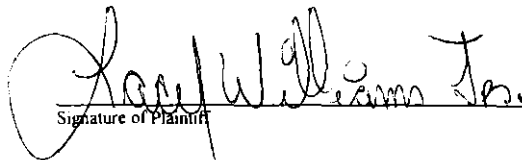
IV. A letter from Mr. Polk dated September 2, 2003. Addressed the matter to his satisfaction. I wrote to Mr. Boyd Bennett, bringing the situation to his attention and he also forwarded the letter back to Mr. Polk whom send the same thing in his last response 9-2-03 letter dated 9-19-03.

I'm suing all defendants in their individual and official capacity

V. RELIEF SOUGHT BY PRISONER — State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

Compensatory Damages/nominal damages
Punitive Damages. Medical Records & all
documents. And all documentation concerning my MCOI status
since I was first placed on Maximum Control (MCOI).
Injunctive Relief.

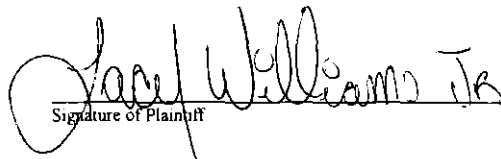
Signed this 13 day of February, 2004.


Signature of Plaintiff

Signature of Other Plaintiff (if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

2-13-04
Date


Signature of Plaintiff

Date

Signature of Other Plaintiff (if necessary)